

REMARKS

Claims 1-12 were pending and under consideration in the application. Claims 13-19 were withdrawn from consideration as being directed to a non-elected invention.

In the Office Action Claims 1-12 were rejected on various grounds. In response, and without conceding the merits of the rejection, applicant has cancelled Claims 1-2 in favor of newly submitted Claim 20, and amended Claims 3-19 to depend from newly added Claim 20. The rejections of the claims are traversed particularly as they might apply to the remaining claims.

Claims 1-4, 6 and 7 were rejected under 35 U.S.C. 102(b) as being anticipated by *Tilghman*, U.S. Pat. No. 986,875. Claim 5 is rejected under 35 U.S. C. 103(a) as being unpatentable over *Tilghman*, U.S. Pat. No. 986,875 in view of *Tailey et al.*, U.S. Pat. No. 1,393,050. Claims 9, 10, 11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Tilghman*, U.S. Pat. No. 986,875 in view of *Hoban*, U.S. Pat. No. 2,875,878. Claims 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Tilghman*, U.S. Pat. No. 986,875 in view of *Hoban*, U.S. Pat. No. 2,875,878 and further in view of *Watkins*, U.S. Pat. No. 6,123,223.

Claim 20 sets forth in pertinent part that it relates to a floral arrangement vending machine. To that end, the machine includes a housing operatively surrounding the carousels so as to suitably seal the floral arrangement therein to prevent unauthorized retrieval of the floral arrangements and a vending mechanism operative to control access to the floral arrangements.

U.S. Pat. No. 986,875 does not describe a vending machine for floral arrangements, but rather it describes a floral and display refrigerator. The device outlined in U.S. Pat. No. 986,875 is not intended for or capable of use as a vending machine. In particular there is no vending mechanism or payment mechanism which would allow it to be used for this purpose. The remaining references fail to fairly teach or suggest how this might be done.

It is the Applicant's view that the most relevant document cited by the Examiner, is *Soule*, U.S. Pat. No. 3,031,055. Yet claim 20 sets forth how the exterior of the housing is formed by the exteriors of stacked modules within which are housed the carousels, at least one carousel being housed within one module. The machine described in *Soule*, U.S. Pat. No. 3,031,055 is not formed from a number of stacked modules and there is no fair suggestion in the cited art to so form a floral vending machine.

The specification at paragraph 33 states "the modular configuration of the machine allows for reconfiguration to provide for storage of floral arrangements of different heights". Providing a modular arrangement also allows each machine to be configured for a particular demographic area to take into account the particular styles of floral arrangement that would

be most popular in a particular location. Providing a modular arrangement also assists with shipping and installation because the machine may be shipped as a number of small components and assembled on site. A further advantage of providing stacked modules is that the machine can be dismantled and reassembled from time to time in different configurations to take account of changes in tastes of customers or to provide new modules that can accommodate new variations of floral arrangements for customers to purchase.

Accordingly, it is submitted that claim 20 is not anticipated by or obvious in view of the cited art. A fortiori, because previously withdrawn claims have been amended to depend on claim 20, it is submitted that they now are properly reconsidered at this time, rather than require a cancellation of the original claims 13-19 and reintroduction as new claims.

In view of the foregoing, it is submitted that claims 3-20 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

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